

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

---

HOWARD SCHOMAN

For Online Publication Only

Plaintiff,

-against-

NORTHPORT VA MEDICAL CENTER

Defendant.

---

**ORDER**

23-cv-06340 (JMA) (AYS)

**FILED**

**CLERK**

8:10 am, Mar 25, 2024

**U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE**

**AZRACK, United States District Judge:**

Before the Court today is a Report and Recommendation (“R&R”) from Magistrate Judge Anne Y. Shields (ECF No. 7), which recommends that the Court dismiss this action with prejudice pursuant to Federal Rule of Civil Procedure 41(b) (“Rule 41(b)”).

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); see also FED. R. CIV. P. 72(b)(3). “Where parties receive clear notice of the consequences, failure to timely object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.” Smith v. Campbell, 782 F.3d 93, 102 (2d Cir. 2015) (quoting Mario v. P & C Food Mkts., Inc., 313 F.3d 758, 766 (2d Cir. 2002)); see also Phillips v. Long Island R.R. Co., 832 F. App’x 99, 100 (2d Cir. 2021) (same). In the absence of any objections, “the district court need only satisfy itself that there is no clear error on the face of the record.” Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd., 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011) (internal citations omitted).

No objections to the R&R have been filed; the time for doing so has expired. The Court has reviewed the record and the unopposed R&R for clear error and, finding none, hereby adopts

the R&R in its entirety as the opinion of the Court.

Accordingly, this Court dismisses this action, with prejudice, pursuant to Rule 41(b). The Clerk of Court is directed to close this case.

**SO ORDERED.**

Dated: March 25, 2024  
Central Islip, New York

/s/ JMA  
JOAN M. AZRACK  
UNITED STATES DISTRICT JUDGE